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UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

)	Chapter 7
)	Case No. 23-40709-CJP
)	

MOTION FOR COURT-ORDERED MEDIATION

TO THE HONORABLE CHRISTOPHER J. PANOS, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Lolonyon Akouete, a creditor of Westborough SPE LLC ("Creditor"), and files this Motion for Court-Ordered Mediation ("Motion"). In support thereof, Creditor respectfully shows the Court as follows:

I. BACKGROUND

- 1. **The Case:** On August 31, 2023, an involuntary Chapter 7 bankruptcy petition was filed against Westborough SPE LLC ("Debtor"). The case involves significant disputes among the parties regarding the sale of the property located at 231 Turnpike Road, Westborough, MA (the "Property"), including the fair market value of the Property, the distribution of sale proceeds, and other related matters.
- 2. **Previous Proceedings and Offer of Judgment:** On August 12, 2024, Creditor, Lolonyon Akouete, submitted an Offer of Judgment pursuant to Rule 7068 of the Federal Rules of Bankruptcy Procedure to the parties involved in the adversary proceedings, including the Trustee, the Town of Westborough, Ferris Development Group, LLC, Lax Media LLC, and others. The Offer of Judgment proposed specific terms for the sale of the Property and the distribution of sale proceeds, aimed at providing a fair and equitable resolution to all parties.
- 3. **The Offer of Judgment:** The Offer included provisions for the sale of the Property to LAX Media for \$2,875,000, with an alternative option for Ferris Development Group to purchase the Property if LAX Media fails to close the sale within 30 days. The Offer also outlined a contingency plan for a 363 sale if neither party completes the purchase, with specific distributions to various creditors, including the Town of Westborough and other parties.

II. GROUNDS FOR MEDIATION

- 4. **Complexity of Issues:** The disputes in this case involve complex legal and factual issues, including the valuation of the Property, competing claims from various creditors, and the allocation of proceeds. Mediation is well-suited to address such complexities in a structured and facilitated environment.
- 5. **Potential for Settlement:** Mediation offers a forum for the parties to explore potential settlements in a non-adversarial setting. Given the detailed terms of the Offer of Judgment,

- mediation could help bridge any remaining gaps between the parties and lead to a resolution without further litigation.
- 6. **Judicial Economy:** Resolving the disputes through mediation would conserve judicial resources by potentially avoiding multiple hearings and motions that would otherwise be required to address the parties' differences. Mediation could expedite the resolution of this case, which is in the best interest of all parties involved.

III. REQUEST FOR RELIEF

WHEREFORE, Creditor respectfully requests that the Court:

- 1. Enter an order directing all relevant parties, including the Town of Westborough, the Trustee, Ferris Development Group, LLC, Lax Media LLC, and other creditors, to participate in mediation to resolve the disputes concerning the sale and distribution of the Property;
- 2. Appoint a mediator with experience in bankruptcy and real estate matters, or alternatively, allow the parties to mutually agree on a mediator;
- 3. Set a deadline for the completion of the mediation process;
- 4. Order that the mediation process specifically address the terms outlined in the Offer of Judgment submitted by Creditor on August 12, 2024, including the sale of the Property, the financial distribution of sale proceeds, compensation for Ferris Development Group, interim distribution, and abandonment and assignment of legal actions; and
- 5. Grant such other and further relief as the Court deems just and proper.

DATED: August 13, 2024, Respectfully submitted:

By creditor,

Lolonyon Akouete 800 Red Milles Rd

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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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